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FAEGRE & BENSON LLP
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2200 WELLS FARGO CENTER
MINNEAPOLIS, MN 55402

EXAMINER

ALI, SHUMAYA B

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,631

Applicant(s)

SAUNDERS, H. DUANE

Examiner

Shumaya B. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: detailed action.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10,12,15-24, and 28-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lake US Patent 6,277,141 B1

2. **As to claim 1, Lake discloses** a therapeutic apparatus for a patient comprising: a support frame (see fig.2 reference object 12) including a first body supporting portion (see fig.2 reference object 16) and a second body supporting portion (see fig.2 reference object 15), the first body supporting portion moveable relative to the second body support portion along a longitudinal axis (center line) (see labeled fig.3 reference object a, col.1 lines 66-67 and col.2 lines 1-8); a securing system (straps) adapted to secure a patient to the first and second body supporting portions (see col.5 lines 58-59); and a linking mechanism (see fig.2 reference objects 20) adapted to move the first body supporting portion along a path (see labeled fig.3 reference objects b-d) relative to the second body supporting portion, the path comprising at least one rotational degree of freedom (roll, pitch, or yaw) (see col.4 lines 41-61,col.2 lines 11-24).

3. **As to claim 2, Lake discloses** the therapeutic apparatus of claim 1 wherein the at least one rotational degree of freedom comprises two rotational degrees of freedom (see fig.9 reference objects d, e, or f, col.6 lines 39-43).

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4. **As to claim 3, Lake discloses** the therapeutic apparatus of claim 1 wherein the at least one rotational degree of freedom comprises three rotational degrees of freedom (see fig.9 reference objects d, e, or f, col.6 lines 39-43).

5. **As to claim 4, Lake discloses** the therapeutic apparatus of claim 1 wherein the linkage mechanism is adapted to move the first body supporting portion along the path comprising at least one rotational degree of freedom simultaneously with movement of the first body supporting portion relative to the second body supporting portion along the longitudinal axis (sliding movement is independent of any of the three rotational movement discussed above, therefore the apparatus is capable of providing on e rotational degree of freedom simultaneously with sliding movement) (see col.6 lines 52-55, col.8 claim K)

6. **As to claim 5, Lake discloses** the therapeutic apparatus of claim 1 wherein the securing system (strap assembly) comprises a first belt (first strap) attachable to the first body supporting portion (end table) and adapted to secure the patient to the first body supporting portion and a second belt (second strap) attachable to the second body supporting portion (center table) and adapted to secure the patient to the second body supporting portion [the therapeutic apparatus as disclosed by Lake comprises at least three straps (first, second, and third) located on each table (end, center, and head) to hold a patient on the tables in a secure position] (see col.5 lines 58-59).

7. **As to claim 6, Lake discloses** the therapeutic apparatus of claim 1 comprising a first actuator (see fig.10 reference object 65 and 67) adapted to move the first body supporting portion relative to the second body supporting portion along a longitudinal axis (axis among which the body support tables are displaced to allow yaw movement) (a hydraulic control mechanism 65 causes actuation of a piston in the brake 67 for releasing the brake for rotational movement, see col.4, ¶2 (see col. 4 lines 35-40).

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8. **As to claim 10, Lake discloses** the therapeutic apparatus of claim 6 comprising a second actuator (see fig.10 reference object 65 and 68) adapted to move the first body supporting portion along at least one rotational degree of freedom (a hydraulic control mechanism 65 causes actuation of a piston in the brake 68 for releasing the brake for rotational movement. The brake can also be selectively actuated by an operator for roll mode adjustment) (see col.4, ¶2).

9. **As to claim 12, Lake discloses** the therapeutic apparatus of claim 1 comprising: first (see fig.10 reference object 67) and second actuators (see fig.10 reference object 68) each adapted to displace a portion of the therapeutic apparatus; and a single power source (see fig.10 reference object 70 and 72) connected to the first and second actuators (fig.10 discloses a pressure switch 66 causes pump 72 to generate pressure that is restored in the accumulator 70, which is used to power or actuate brakes 67 and 68 for rotational movements) (see col.3 ¶s 3 and 4, col.4, ¶2).

10. **As to claim 15, Lake discloses** the therapeutic apparatus of claim 1 comprising at least one locking mechanism adapted to releasably retain the first body supporting portion in a plurality of locations along the path relative to the second body supporting portion [i.e. figure 10 illustrates a locking mechanism 67 adapted to releasably retain first body supporting portion from yaw movement along the path c (see labeled fig.3, col.3 lines 33-35) and a locking mechanisms 29,31, and 32 are adapted to releasably retain first body support portion from pitch movement along path d (see fig. 2 and 3, labeled fig.3, col.5 lines 59-63)].

11. **As to claim 16, Lake discloses** the therapeutic apparatus of claim 15 wherein the at least one locking mechanism is continuously adjustable (locking mechanisms 29, 31, and 32 in figs 2 and 3 are capable of both restricting/allowing pitch movement, therefore, the locking mechanisms allow continuous adjustable, meaning locking and unlocking the pitch movement when needed) (see col. 5 lines 59-63).

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12. **As to claim 17, Lake discloses** the therapeutic apparatus of claim 15 comprising at least one locking mechanism for each rotational degree of freedom (lock 67 for yaw, 68 for roll, and 29,31, and 32 for pitch) (see col.3 lines 29-37 and col. 5 lines 59-63).

13. **As to claim 18, Lake discloses** the therapeutic apparatus of claim 1 comprising a sliding mechanism (see fig.4 reference objects 35, 36,44,45) supporting the first body-supporting portion (see col.3 lines 1-2,37-39, col.5 lines 26-29).

14. **As to claim 19, Lake discloses** the therapeutic apparatus of claim 1 wherein the linking mechanism (brake 68 in fig. 10 is part of linking mechanism which controls the roll mode of the apparatus) comprises a roll mechanism (see col.4 lines 65-67, col.5 lines 1-4).

15. **As to claim 20, Lake discloses** the therapeutic apparatus of claim 1 wherein the linking mechanism (brakes 29,31, and 32 in figs. 2 and 3 are part of linking mechanism controlling the pitch mode of the apparatus) comprises a pitch mechanism (see col.5 lines 59-65).

16. **As to claim 21, Lake discloses** the therapeutic apparatus of claim 1 wherein the linking mechanism (brake 67 in fig. 10 is part of linking mechanism which controls the yaw mode of the apparatus) comprises a yaw mechanism (see col.4 lines 56-61).

17. **As to claim 22, Lake discloses** the therapeutic apparatus of claim 1 wherein the linking mechanism comprises a cantilever structure [see fig. 2 reference objects 23 and 24 are considered cantilever structures since they are projecting structures that are supported at one end (see fig.3 reference object 11) and carry a load at the other end (see fig.3 reference object 12)] pivotally attached to the support frame.

18. **As to claim 23, Lake discloses** the therapeutic apparatus of claim 1 wherein the support frame includes a first adjustable member (see fig.3 reference object 13) adapted to adjust the height of the first and second body supporting portions (see col.2 lines 63-65).

19. **As to claim 24, Lake discloses** the therapeutic apparatus of claim 1 comprising a cervical traction member (the headrest member is capable of providing cervical traction to certain degrees by tilting the member with locking means) (see fig.2, reference object 14).

20. **As to claim 28, Lake discloses** a method of treating back pain in a patient comprising the steps of: providing a therapeutic apparatus (see fig. 1 reference object 10) having a support frame (see fig.2 reference object 12) with a first body supporting portion (see fig. 2 reference object 16) and a second body supporting portion (see fig. 2 reference object 15); supporting the patient along the first body supporting portion and the second body supporting portion (in fig. 1 a patient is supported by the first and second body support portion) (see col.3 lines 4-6); securing the patient to the apparatus with a securing system (see col.5 lines 58-59); moving the first body supporting portion along a path relative to the second body supporting portion (see col.1 lines 66-67, col.2 lines 1-8), the path (yaw, roll, or pitch, see labeled fig.3) comprising at least one rotational degree of freedom (yaw, roll, or pitch); and moving the first body supporting portion relative to the second body supporting portion along a longitudinal axis (centerline) to affect the distance between the first body supporting portion and the second body supporting portion (i.e. sliding mode is capable of increasing and decreasing the traction force along the torso/lumber of a patient by sliding away or toward the torso/lumber respectively, therefore as the distance between the first and second body supporting portions are affected by increasing or decreasing the distance between the two body support members) (see col.8 claim K, col.6 lines 52-55).

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21. **As to claim 29, Lake discloses** the method of claim 28 wherein the step of moving the first body supporting portion along a path comprising at least one rotational degree of freedom occurs simultaneously with moving the first body supporting portion along the longitudinal axis (sliding mode is independent of any of the three rotational movements, yaw, roll, or pitch, therefore, the apparatus is capable of providing one rotational degree of freedom simultaneously with sliding movement) (see col.8 claim K, col.6 lines 52-55).

22. **As to claim 30, Lake discloses** the method of claim 28 wherein the step of moving the first body supporting portion along a path comprising at least one rotational degree of freedom occurs after the first body supporting portion is moved along the longitudinal axis (sliding axis) (Since the applicant has not provided an interpretation of the claimed subject matter in the disclosure, with a reasonable interpretation of the claim, Lake's therapeutic apparatus is capable of first having a slide mode which can be locked at a position along the longitudinal axis to allow either yaw, roll, or pitch movement).

23. **As to claim 31, Lake discloses** the method of claim 28 wherein the step of moving the first body-supporting portion along a path comprising at least one rotational degree of freedom occurs before the first body-supporting portion is moved along the longitudinal axis (sliding axis) (Since the applicant has not provided an interpretation of the claimed subject matter in the disclosure, with a reasonable interpretation of the claim, Lake's therapeutic apparatus is capable of providing traction force with yaw, roll, or pitch movement with sliding movement at looking position, thereby performing any one of the rotational movement before moving the first body supporting portion along the longitudinal axis).

24. **As to claim 32, Lake discloses** the method of claim 28 comprising securing the patient to the first body supporting structure with a first belt (first strap) and securing the patient to the second body supporting portion with a second belt (second strap) (the therapeutic apparatus as disclosed by Lake

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comprises at least three straps for each table to hold a patient on the tables in a secure position] (see col.5 lines 58-59).

25. **As to claim 33, Lake discloses** the method of claim 28 comprising releasably retaining the first body supporting portion along one or more locations along the path relative to the second body portion (attainable via locking mechanisms, i.e. locking mechanisms 29, 31, and 32 in figs. 2 and 3 are adapted to releasably retain first body support portion from pitch movement along a path d, see labeled fig.3).

26. **As to claim 34, Lake discloses** the method of claim 28 comprising supporting the patient along the first body supporting portion and second body supporting portion in a prone or supine position (when a patient lays on his/her back without manipulating the set up in fig.2, then the patient is supported at a supine position along the first and second body support portion).

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the obviousness of Lake.

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28. **As to claim 7, Lake does not disclose** the therapeutic apparatus of claim 6 wherein the first actuator comprises a pneumatic actuator. However, a close review of the applicant's disclosure on page 7 lines 8-12 and 20-25 reveals that the applicant does not establish criticalities regarding a pneumatic

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actuator over other commercially available actuators for driving traction forces along the therapeutic apparatus. Additionally, the applicant discloses any suitable actuators and other like devices including solenoids and hydraulic actuators can be used to facilitating movement along a path allowing rotational movement.

29. **Lake discloses** a hydraulic actuating mechanism (65) comprising a senoloid valve (69) in communication with a fluid chamber (64) to generate pressure which is restored in an accumulator (70) to actuate brakes (67 and 68) responsible for causing yaw and roll movement (see fig.10 col.3 ¶s 3 and 4, col.4, ¶2).

30. Therefore it would have been obvious to one of ordinary skills in the arts at the time the invention was made to modify the actuating mechanism of Lake with pneumatic actuator or any alternative actuating means for the purposes of driving the three rotational degrees of freedom to apply traction to a patient suffering from muscle and nerve injuries

31. **As to claim 8, Lake does not disclose** the therapeutic apparatus of claim 6 wherein the first actuator comprises a double-acting pneumatic cylinder. However, a close review of the applicant's disclosure on page 7 lines 8-12 and 20-25 reveals that the applicant does not establish criticalities regarding a double-acting pneumatic cylinder over other commercially available actuators for driving traction along the therapeutic apparatus. Additionally, the applicant discloses any suitable actuators and other like devices including solenoids and hydraulic actuators can be used to facilitating movement along a path allowing rotational movement.

32. **Lake discloses** a hydraulic actuating mechanism (65) comprising a senoloid valve (69) in communication with a fluid chamber (64) to generate pressure which is restored in an accumulator (70) to

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actuate brakes (67 and 68) responsible for causing yaw and roll movement (see fig.10 col.3 ¶s 3 and 4, col.4, ¶2).

33. Therefore it would have been obvious to one of ordinary skills in the arts at the time the invention was made to modify the actuating mechanism of Lake with double acting pneumatic cylinder or any alternative actuating means for the purposes of driving the three rotational degrees of freedom to apply traction to a patient suffering from muscle and nerve injuries.

34. **As to claim 9, Lake does not disclose** the therapeutic apparatus of claim 6 comprising a source of compressed air adapted to actuate the first actuator. However, Lake discloses a hydraulic actuating mechanism (65) comprising a senoloid valve (69) in communication with a fluid chamber (64) to generate pressure to cause actuation of pistons (actuators) in brake members (67 and 68) responsible for causing yaw and roll movements (see fig.10 col.3 ¶s 3 and 4, col.4, ¶2). Therefore, the fluid chamber is alternatively capable of providing power source to actuate the break members.

35. Therefore it would have been obvious to one of ordinary skills in the arts at the time the invention was made to modify the fluid chamber of Lake with a source of compressed air for the purposes of moving the actuator in a direction, which pulls on the patient engaging device (head, center, or end tables) to provide traction to the patient with spinal deformities.

Claims 11,13,25-27,35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lake in view of Riddle et al. US Patent 5,320,641

36. **As to claim 11, Lake does not disclose** the therapeutic apparatus of claim 10 wherein the rotational degree of freedom comprises pitch movement. Lake discloses a therapeutic apparatus comprising pitch movement controlled by locking means 29,31, and 32 in figs. 2 and 3, however **Lake does not disclose** the movement is actuator driven.

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37. **As to claim 11, Riddle et al. teach** a computer controlled therapeutic apparatus comprising an actuator (see fig.2 reference object 58), which receives signals from a processing unit (see fig.2 reference object 28) to drive pitch movement (up and down) of a body support portion (see fig.2 reference object 40) (see col. 4 lines 33-44).

38. Therefore, it would have been obvious to one of ordinary skills in the arts at the time of the invention to modify the pitch movement locking mechanism of Lake in view of Riddle et al. in order to provide the therapeutic apparatus with an actuator for the purposes of providing a patient with traction along a path comprising one rotational degrees of freedom for pitch movement.

39. **As to claim 13, Lake discloses** the therapeutic apparatus of claim 1 comprising: a first actuator (see fig.10 reference object 65 and 67) adapted to move the first body supporting portion relative to the second body supporting portion along a longitudinal axis (axis among which the body support tables are displaced to allow yaw movement) (a hydraulic control mechanism 65 causes actuation of a piston in the brake 67 for releasing of the brake to allow rotational movement, see col.4, ¶2 (see col. 4 lines 35-40); Lake additionally discloses apparatus (see fig. 2 reference objects 25 and 29) for allowing movement of the head support table, however, **does not disclose** a second actuator adapted to move a head supporting portion of a cervical traction device relative to the first body supporting portion; and a single power source connected to the first and second actuators.

40. **As to claim 13, Riddle et al. teach** a computer controlled therapeutic body traction apparatus comprising a first actuator (see fig. 2 reference object 58) adapted to move a first body supporting portion (see fig.2 reference object 40) relative to a second body supporting portion (see fig.2 reference object 42), whereas the second body supporting portion movable via a second actuator (see fig.2 reference object 58A) which is capable of proving traction along the cervical region of a patient. Riddle et al. additionally

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teach the two actuators receive therapeutic signals from a processor unit (see fig.2 reference object 28).

Therefore, Riddle et al. also teach that in order for the actuators to receive signals from the processing unit, the actuators must be connected to some kind of power source to communicate with the processor unit.

41. Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the apparatus for controlling the head support movement of Lake in view of Riddle et al. in order to provide the head support with an actuator where as the actuator is connected to a power source for the purposes of receiving therapeutic signals from a processor unit to deliver traction force along the body of a patient to treat spinal deformities.

42. **As to claim 25, Lake does not disclose** the therapeutic apparatus of claim 1 comprising a processor adapted to communicate with the apparatus.

43. **As to claim 25, Riddle et al. teach** a computer controlled physical therapy device comprising a computer control unit (processor) (see fig.1 reference object 28) in communication with a body traction apparatus (see fig.1 reference object 10) for controlling a particular diagnostics or therapy of a patient (see abstract and col.5 lines 29-33).

44. Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the therapeutic apparatus of Lake in view of Riddle et al. in order to provide a processor in communication with the apparatus for the purposes of controlling the diagnostic therapy of a patient, thereby allowing no physical adjustment of support elements need to be made by a physician supervising the diagnostic session.

45. **As to claim 26, Lake does not disclose** the therapeutic apparatus of claim 1 comprising a processor adapted to retain a plurality of traction protocols.

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46. **As to claim 26, Riddle et al. teach** a computer controlled physical therapy device comprising a computer control unit (processor) (see fig.1 reference object 28) in communication with a therapeutic apparatus to allowing body traction along different rotational degrees of freedom. Although Riddle et al. do not clearly teach the processor retaining a plurality of traction protocols; it would have been obvious to one of ordinary skills in the art that a memory system is an inherent property of a computer that allows an operator to save/store valuable data. Therefore, Riddle et al processor is capable of retaining a plurality of traction protocols that has been or will be given to a patient for therapeutic purposes.

47. Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the therapeutic apparatus of Lake in view of Riddle et al. in order to provide a processor in communication with the apparatus for the purposes of retaining a plurality of traction protocols that has been or will be given to a patient for treating back pains.

48. **As to claim 27, Lake does not disclose** the therapeutic apparatus of claim I comprising a processor adapted to retain a plurality of cervical and lumbar traction protocols.

49. **As to claim 27, Riddle et al. teach** a computer controlled physical therapy device comprising a computer control unit (processor) (see fig.1 reference object 28) in communication with a body traction apparatus (see fig.1 reference object 10) for controlling a particular traction therapy along the cervical and lumber region of a patient (the processor is capable of applying traction along the cervical and lumber region depicted in fig.6 where the cervical traction is corresponding to the position of upper and lower head and lumber traction is corresponding to the position of upper and lower foot portion) (see abstract and col.5 lines 29-33).

50. Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the therapeutic apparatus of Lake in view of Riddle et al. in order to provide a

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processor in communication with the apparatus for the purposes of retaining a plurality of cervical and lumber traction protocols that has been or will be given to a patient for treating pain in the cervical and lumber regions.

51. **As to claim 35, Lake does not disclose** the method of claim 28 wherein the therapeutic apparatus includes a processor, the method comprising programming one or more treatment protocols into the processor.

52. **As to claim 35, Riddle et al. teach** a computer controlled physical therapy device comprising a computer control unit (processor) (see fig.1 reference object 28) in communication with a body traction apparatus (see fig.1 reference object 10) for controlling a particular diagnostics or therapy of a patient with programmable disk/software (see abstract and col.5 lines 29-33). In addition, the computer control unit is capable of restoring data or plurality of traction protocols with the built in memory system.

53. Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the therapeutic apparatus of Lake in view of Riddle et al. in order to provide a processor in communication with the apparatus controlling the diagnostic therapy of a patient, thereby allowing no physical adjustment of support elements need to be made by a physician supervising the diagnostic session, and retaining a plurality of traction protocols that has been or will be given to a patient for therapeutic purposes.

54. **As to claim 36, Lake does not disclose** the method of claim 28 wherein the therapeutic apparatus includes a processor, the method comprising storing one or more treatment protocols into the processor.

55. **As to claim 36, Riddle et al. teach** a computer controlled physical therapy device comprising a computer control unit (processor) in communication with a body traction apparatus for controlling a

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particular diagnostics or therapy of a patient with programmable disk/software (see fig. 1 reference object 31, abstract, and col.5 lines 29-33). In addition, the computer control unit is capable of restoring data or plurality of traction protocols with the built in memory system.

56. Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the therapeutic apparatus of Lake in view of Riddle et al. in order to provide a processor in communication with the apparatus controlling the diagnostic therapy of a patient with programmable disk, thereby allowing no physical adjustment of support elements need to be made by a physician supervising the diagnostic session, and retaining a plurality of traction protocols that has been or will be given to a patient for therapeutic purposes.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lake in view of Cook et al.

US Patent 5,181,904

57. As to claim 14, Lake discloses the therapeutic apparatus of claim 1 comprising: a head supporting portion (see fig.2 reference object 14) moveable relative to the second body supporting portion (see col.3 lines 23-25,29-30); **however does not disclose** a pair of neck wedges adapted to retain a patient's head to the head supporting portion.

58. As to claim 14, Cook et al. teach a pneumatic traction apparatus comprising a V-shaped (wedge) cervical traction structure (see fig.1 reference object 36) for holding the back of a patient's skull.

59. Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the head table of Lake in view of Cook et al. in order to provide a pair of neck wedges on the head table for the purposes of supporting and providing traction along the back of a patient's neck and skull.

Claim Objections

60. Claims 30 and 31 are objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). As to claims 30 and 32, the applicant's disclosure does not provide any reasonable statements regarding the following claim limitations: "at least one rotational degree of freedom occurs after the first body supporting portion is moved along the longitudinal axis" in claim 30 and "at least one rotational degree of freedom occurs before the first body supporting portion is moved along the longitudinal axis" in claim 31. Appropriate correction is required.

Information Disclosure Statement

61. The information disclosure statement filed on 10/7/2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the PTO has not received copies of the foreign and non-patent literature documents cited by the applicant, therefore the foreign and non-patent literature documents are not considered by the examiner. In addition, US patent 414612 is not considered because the patent subject matter is not relevant to the applicant's invention. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

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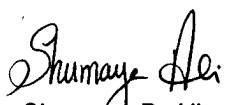
Conclusion

62. The prior art made of record on form PTO-892 and not relied upon shows the state of the art.

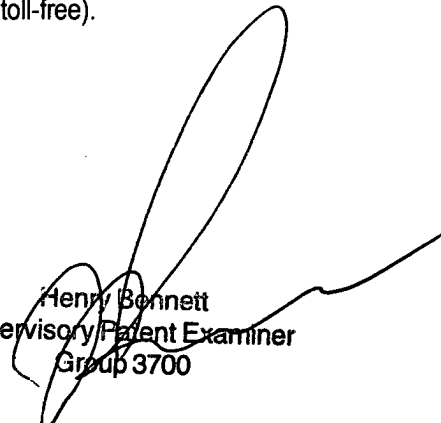
63. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shumaya B. Ali** whose telephone number is **571-272-6088**. The examiner can normally be reached on M-F 8:30 am-4:30 pm.

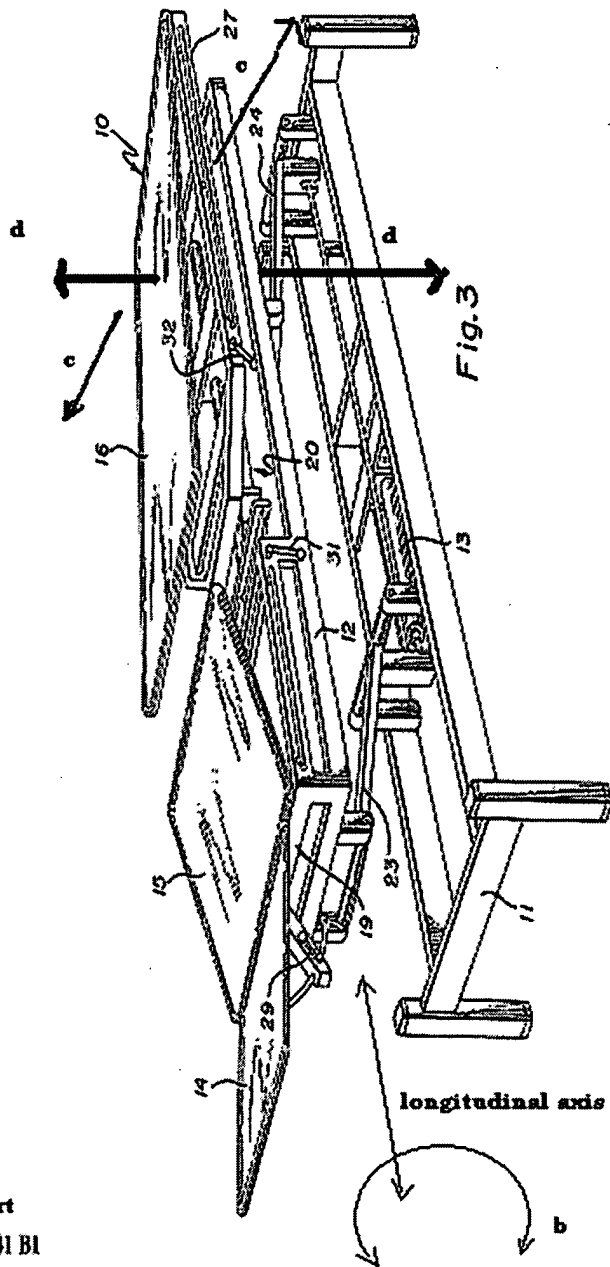
64. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Henry Bennett** can be reached on **571-272-4791**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-6088.

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Shumaya B. Ali
Examiner
Art Unit 3743

1/21/2005


Henry Bennett
Supervisory Patent Examiner
Group 3700



Prior Art
US 6,277,141 B1